

Carlisle Conservation Commission Minutes

July 19, 2012

Approved: 9/27/2012

7:30 Chair Kelly Guarino called the meeting to order. Also present were Luke Ascolillo, Jenifer Bush, Peter Burn, Tom Brownrigg, Tom Brown and Conservation Administrator Sylvia Willard. Lee Tatistcheff arrived at 7:40.

7:35 Bills, Minutes, General Agenda Items and New/Pending/Old Business

Minutes

Guarino had requested a correction to the May 10, 2012 minutes. Brownrigg submitted a change, which she approved. Burn moved to accept the May 10, 2012 minutes as amended. Brown seconded the motion and all voted in favor.

Bush requested a correction to the June 28, 2012 minutes. In the section about field edge clearing at Foss Farm, she felt that clarification was needed to the phrase “the best quote came from J.M. Cook”. Instead she would like the minutes to reflect that this quote was the lowest quote from a company with the equipment and capabilities to do the full job. Brownrigg and Bush both submitted grammatical corrections. Bush moved to accept the June 28, 2012 minutes as amended. Ascolillo seconded the motion and all voted in favor.

Land Use Permit

The Massachusetts Canine Response Team trains dogs in the evenings to find people in the woods. They had a permit to train on Carlisle Conservation land, provided that they gave the Carlisle Police advanced notice. The Canine Response Team would like to renew their Land Use Permit. They have sent Willard an updated Certificate of Liability. Bush suggested that they be invited to participate in a Conservation Coffee or like event. Burn moved to issue the Massachusetts Canine Response Team a Land Use Permit, with the condition that the police are notified before any activities. Brown seconded the motion and all voted in favor.

Certificate of Compliance

DEP 125-0855 110 Maple Street

Demolition of a single family home, construction of a new home; issued 5/5/2009

The Commission waited to issue a COC until one tree had been cut down. Willard did a site visit and reports that the tree in question has been removed, but the logs were discarded into the wetlands. She informed the owner that the tree needs to come out of the wetlands. Willard asked the Commission if they thought an Enforcement Order should be issued. She said that an Enforcement Order would serve as permission to work in the wetlands, which was not given in the original Order of Conditions. Bush asked Willard whether she felt that the homeowners would remove the tree in a timely manner. Willard said she thought they would; she had informed them that this was a serious situation and needed to be fixed. Brownrigg suggested that the Commission give the homeowners a reasonable amount of time to take the logs out, and then issue an Enforcement Order at the next meeting if the situation had not been rectified. Burn felt that an Enforcement Order would be a good idea because it would allow the Commission to require the homeowners take the tree out by hand, and would therefore protect the wetlands. Burn moved to issue an Enforcement Order for the hand removal of the tree from the Wetland

Resource Area at 110 Maple Street, within a week. Tatistcheff seconded the motion. Guarino abstained because she is an abutter. All others voted in favor.

8:00 Carlisle Housing Authority: Benfield Conservation Land Access for construction of Benfield Farms water supply well

The Conservation Commission had previously permitted the Benfield Farms project, issued them an Order of Conditions with DEP issuing a Superseding Order of Conditions following an appeal. Now, as owners of the Benfield Conservation Land, Lot 4, the Conservation Commission was asked to approve the License Agreement, which will allow the licensees to access Lot 4.

Toby Kramer, the director of real estate development at Neighborhood of Affordable Housing (NOAH) explained what the License Agreement entails and the steps that have lead up to this point. NOAH recently received approval for funding from the Department of Housing and Community Development. Along with other funding, this will allow the housing project to go forward, on the condition that NOAH has their financing ready and closes their construction loans by the end of December. To meet this deadline, they must demonstrate that there is a viable water supply by obtaining approval of a public water supply well from the DEP. The License Agreement will allow NOAH access to the property to put in a well, a septic system and road work if needed based on the outlined License Premises. It has already been signed by the Board of Selectmen and the Housing Authority.

Tatistcheff asked why burying utilities were included in the License Agreement because this work is no longer planned to begin at this time. She was uncomfortable with burying utilities over such a long distance without specifying location in an Order of Conditions. Kramer explained that the Building Inspector has to approve the final plans prior to building. Tatistcheff was also concerned because the License Agreement says that NOAH will inform the Commission when the utilities have been finished, not before beginning. Guarino pointed out that the License Agreement has already been signed by two parties. This means that the Conservation Commission cannot make any amendments. It is possible to terminate the License Agreement. The Agreement will expire on December 31, 2012. It was decided that approval of the Well Plan is contingent on the licensees not burying the utilities at this time. Guarino wanted to know why the Carlisle Housing Authority will receive all of the notifications. She was informed that this is because they are financing the project. **Burn moved to authorize Guarino to sign the License Agreement and authorize Guarino to approve any amendments to the License Agreement. Ascolillo seconded the motion and all voted in favor.**

Mark Beaudry came to present the well plan. The Benfield Farms development will have 26 units of senior housing in the field in Lot 1. There will be a well and a septic system on Lot 4. This well will require permitting by the DEP because of its status as a public water supply. This process requires that a Well Plan is developed to look at the details as to how the well site will be accessed and how the well will be installed and tested. This Well Plan is separate from the License Agreement and if approved, will give NOAH permission to drill the well.

The well is expected to draw 3,900 gallons/day and to draw water at 10-15 gallons/min. This flow is small enough that Beaudry does not anticipate that the DEP will require monitoring of adjacent wells. The well's Zone 1 has a 189 foot radius. The Interim Well Protection Area has a radius of 480 feet around the well head; the waste disposal area is outside this radius. The Interim Well Protection Area is nitrogen sensitive, which means that the waste will require extra treatment. This extra treatment is already required by the Board of Health for other reasons;

nitrogen levels are required to be at least 5 mg/L by the time it reaches the property line, which will be accomplished by the extra treatment.

Lot 4 is accessed by a cart path that is located in wetlands and close to a certified vernal pool. The path currently skirts around a large boulder, which will need to be relocated in order to get a well drilling rig down the path. They plan to relocate the boulder into the path's current location, and fill the hole left behind by the boulder with gravel. The new path will travel over the boulder's current location lessening the bend in the cart path and allowing the drilling rig to pass. Local experts will provide advice as to how best to move the rock. They do not anticipate doing a large amount of tree pruning. There is one dead tree that needs to be taken out. They are not planning to finish the permanent path or install pipes at this time and would prefer to do this work next year. Because they will not be installing the pipes at this time, they no longer believe that the siltation control along the cart path outlined in the original plan will be necessary. All work on the path is planned for August, when the ground will be especially dry. The contractor is anticipating that there will be no need to build a road over the field because it will be so dry. The temporary road will be tested for soft spots by driving a loaded dump truck down the path before bringing in the well drilling rig. If they do discover soft spots, they will use gravel and temporary mats to get past. The use of mats will be prioritized over the use of gravel, particularly in the field.

Brownrigg asked whether their plans showed the small vernal pool that had recently been discovered in the area. He wanted to be sure that it was not disturbed or filled in with gravel. It is marked on the plans, and the original Order of Conditions required that a wetlands scientist be involved to monitor wetland resource areas. They will not disturb it in any way.

Steve Smith from Geohydrocycle presented the Well Plan, which will need later approval. The well drilling rig is 40 feet long and close to 40 tons and requires a support truck of the same size during the drilling. The drilling is estimated to take three days, during which time the drilling rig and the support truck will remain stationary at the well site, inside a double hay bale semicircle. Next to the drilling rig will be a 10ftx10ftx4ft pit, where the cuttings and water from the drilling will be directed. The clear water will flow out of the pit and through the double hay bale filtration wall and then flow as a sheet across the field and toward Spencer Brook. Willard wondered if there would be siltation fabric installed along the hay bale line. There will not.

The well should be able to pump 10-15 gallons/minute, which will allow the pump to run 8 hours/day and still supply the necessary volume of water for the housing. This may require drilling up to 800ft deep; if the well can produce 15 gallons/min before this depth is reached, drilling will cease. The driller is confident that it will be possible to produce this flow of potable water. After this drilling is done, the drill rig and the support truck will leave, and a pump truck will enter the site. The pump truck weighs about 2 tons. A 3 horsepower motor/pump will be installed in the well. The well installation will take one day. The hay bales will be left in place.

Well testing will be conducted for two days, 24 hours/day. This will confirm the pumping rate and sample the water. During this entire period at least one person will be at the well site. The pump truck will bring a generator to power the installed pump during the pump test. The water pumped during the testing period will be discharged directly into Spencer Brook using the wildlife viewing platform, in order to avoid recirculating the pumped water. They will do this by running a 350ft hose with a 2in diameter to the brook. A diffuser will be used to avoid disturbing the stream bed. This procedure is a DEP standard. After the testing is finished, the generator and pump truck will leave the site and any temporary mats will be removed. The pit will be refilled.

The cuttings created during the drilling will be spread over the gravel pathway. Any seeding necessary will be done.

Bush appreciated that they were taking measures not to damage the field and surrounding area; she would like to see that if any damage did occur, it would be restored. The License Agreement covers this. Guarino wondered why the water from the pump test was going directly into Spencer Brook. It was explained that this was DEP standard. This also avoids issues of erosion. Brownrigg asked whether people would be able to access the field during the drilling and the testing. This will be possible. They also hope to do a site visit with both the Conservation Commission and the Board of Health before the Commissioners have to formally review the Well Plan. The site visit is scheduled for July 31, 2012 at 6:30pm. The rain date is August 1. There was a reminder to park in the field, not on South Street.

9:00 DEP 125-0818 Request to Amend the Orders of Conditions

Applicant: Christopher Riddick

Project Location: 36 Log Hill Road

Project Description: construction of a drip dispersal type leach field for a Title 5 septic system

Riddick, the property owner, presented the septic system plan as his engineer was on vacation. Riddick bought this house in 2007; the previous owners had a plan to replace the septic system approved by the Board of Health and the Conservation Commission. An updated plan has been approved by the Board of Health. He now plans to install a Perc-Rite drip dispersal septic system, which is a different type of septic system than what has been previously approved. He reported that this type of system has already been installed elsewhere in town. This system will be located 10ft farther away from the wetlands than the previously approved plan. Less grading is required. Willard was concerned that straw waddles with silt fence beyond, not hay bales, were being used as a siltation barrier. She did note that straw waddles reduce the risk of introducing invasive species. **Brownrigg moved to approve the request to amend the Orders of Conditions. Tatistcheff seconded the motion and all voted in favor.**

8:10 DEP 125-0921 Notice of Intent

Applicant: David Scarbro

Project Location: 26 Ledgeways

Project Description: Construction of a detached garage and associated grading within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Jonathon Bollen represented Scarbro and presented the plan. They propose to build a garage, take down one tree, and do some grading. The garage will be built about 80 feet from the wetlands. Most of the work will take place in the existing lawn. The grading will take place in an area that is now brush with no trees to be removed. Willard compared the wetland delineation over time and found that the wetlands have receded. Ascolillo asked how the water would run off the new pavement. The grading will match the rest of the area, so water runoff will not be a problem.

Brown moved to issue a standard Order of Conditions to David Scarbro of 26 Ledgeways. Ascolillo seconded the motion and all voted in favor.

9:15 Mark Duffy: Cranberry Bog Dike

Duffy was refused federal emergency money to repair the Cranberry Bog dike by the County Committee. The County Committee said that ECP money is not allowed to be used for dikes,

dams, or levees. They felt that fixing the dike is a town responsibility. Duffy could appeal this decision, but he does not plan to. If Duffy had been approved for federal funding, they would have paid \$23, 971, which is 75% of the estimated total cost of the repair, based on Natural Resources Conservation Service (NRCS) estimates. If he had received funding he would have purchased clay and fixed the dike with that material. Now, Duffy will begin fixing the dike himself using gravel from the pit across the road from the Cranberry Bog. This is not an ideal solution because water will seep slowly through the dike and if the water flows over the dike, the gravel will wash away. Brownrigg wondered whether Duffy could use the gravel located on the Erikson loop at Great Brook State Park. Duffy explained that that gravel is not high enough quality.

There has also been some activity at the Cranberry Bog around the dike. Someone has built a small bridge, and more recently has been reinforcing a beaver dam. Burn wondered if a sign should be put up to discourage this activity. Duffy is not concerned; he will be using large machinery, and will have no trouble removing the “beaver” dam.

9:30 Chelmsford Wells Update

Guarino explained that the Chelmsford water district is hoping to put a well field in the Barnes Terrace land area. Carlisle has water rights to land which abuts the Barnes Terrace area; this water is used by the Carlisle Cranberry Bog.

Ascolillo reported that Frank DiLuna, a water rights lawyer who was hired by the town, drafted a letter to the Chelmsford Conservation Commission. The Selectmen have also sent a letter to Chelmsford about this issue. Ascolillo attended a Chelmsford Conservation Commission meeting. He reports that Chelmsford’s lawyer said that the water utility would need to either buy the land from the Chelmsford Conservation Commission’s Cranberry Conservation land, or be given the right of first refusal, which means that if the land ever went on the market, the utility would be able to buy the land first. The Chelmsford Conservation Commission will meet again on August 7, at which point they will have more information. DiLuna will go to this meeting. DiLuna will also look into whether giving the right of first refusal is a legal substitute for Article 97. Duffy is concerned that the Chelmsford Water District will end up taking water from the Cranberry Bog’s reservoir.

9:40 DEP 125-_____ Notice Of Intent

Applicant: Tani Currin

Project Location: 56 Peter Hans Road

Project Description: addition of a deck/porch, addition of a covered entry and removal of foundation shrubs

Currin plans to add a screen porch and patio onto the back of the existing house, tear down the existing deck, and put a covered entry over the existing front steps. The porch is about 25 feet from the wetlands. She also wants to take out overgrown shrubs around the house and replace them with shrubs of a more appropriate size. There is a dying tree on the edge of the wetland that needs to be cut down. Currin would also like to put gutters on the house. Guarino thought that the roof surface area is small enough that no dry well will be needed. Silt barriers will be put in as a limit of work. Currin will submit a revised plan to the state that details where the hay bale line will be, new plantings and any trees that need to be removed. Currin granted permission to continue the hearing to the next meeting on August 16, 2012 at 8:45 pm.

9:55 New/Pending Business

Community Gardens

Massachusetts Commission Against Discrimination (MCAD) decided in support of the town. This will be put on the agenda for the next meeting to discuss as the appeal period is not over at this time.

Public Forum at Great Brook State Park

Brownrigg will go to the Public Forum at Great Brook. He had been going to the meetings before they ended. Guarino thought it would be useful to have a contact at the State Park to communicate with on a regular basis.

Greenough Barn

Billerica residents have seen youths inside the barn. They have noticed increased trash and wildlife getting caught in fishing twine. The Police Chief was informed; he said that Greenough Barn takes a lot of their resources and is an accident waiting to happen. He suggested that a plan to deal with the barn be put into place. The barn is under the Selectmen's control, but the Conservation Commission controls the land. There is someone interested in using the barn for carpentry. The Selectmen are working on a lease, but it must go through the legislature.

Town Government Steering Committee

Brown went to the meeting. The consultant sent out the 2011 report. This was the initial meeting.

Invasive Plants Committee

At a Land Stewardship Committee meeting, Lynn Knight suggested that a Garlic Mustard Pull would be a good first project. Ascolillo reported that the Chelmsford Conservation Commission allows citizens to pull invasive without Orders of Conditions, because invasive control is allowed in the Wetlands Protection Act.

Burn moved to adjourn. Tatistcheff seconded the motion and all voted in favor.

Respectfully submitted by
Amelia Cox